

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JANUARY 12, 2023.

The Regular Meeting of the Piscataway Zoning Board was called to order at 7:30 P.M. online via Zoom, Piscataway, New Jersey, by Chairman Cahill.

Chairman Cahill stated: IN COMPLIANCE WITH THE OPEN PUBLIC MEETING ACT, ADEQUATE NOTICE OF THIS MEETING WAS PROVIDED IN THE FOLLOWING WAYS:

- *Posted on the bulletin board of the Municipal Building and made available through the Township Clerk;
- *Notice published in the Courier News;
- *Notice sent to The Star Ledger;
- *Notice made available through the Township Librarians.

ROLL CALL:

PRESENT: Chairman Shawn Cahill, William Mitterando, Jeff Tillery, Roy O'Reggio, Kalpesh Patel, Steven Weisman, Waqar Ali, Artie Hayducka & Rodney Blount. **ABSENT:** N/A

Also present: James Kinneally, Esq., John Chadwick, PP, Henry Hinterstein and Laura Buckley, Recording Clerk. It was determined that a quorum was present by roll call.

4. PLEDGE OF ALLEGIANCE

Mr. Kinneally states that there are some changes to tonight's agenda; #6, 22-ZB-99V, Kisha Horton, postponed to January 26, 2023 with no further notice.

- 5. 22-ZB-103V DISH Wireless, LLC**
Interpretation
Block 813, Lot 6.01; Zone: LI-1
180 12th Street
Applicant would like to update existing telecommunication equipment.
Action to be taken prior to April 3, 2023
Attorney: Richard Schkolnick

Richard Schkolnick, Attorney, is here to represent the applicant. Court stenographer is present; transcripts are on file in the Community Development Office.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Steve Weisman, Jeff Tillery, Roy O'Reggio, Rodney Blount, Artie Hayduck, Kalpesh Patel, and Chairman Cahill. **NO ON THE MOTION:** None.

- 6. 22-ZB-91V NYSMSA Limited Partnership d/b/a Verizon-**
Interpretation & Appeal of Zoning Officer's Decision
Block 45.03, Lot 1.05; Zone: LI-1
300 South Randolphville Road
Applicant would like to update existing telecommunication equipment.
Action to be taken prior to February 28, 2023
Attorney: Edward Purcell

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JANUARY 12, 2023.

Edwaard Purcell, Attorney, is here to represent the applicant. Court stenographer is present; transcripts are on file in the Community Development Office.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Hayducka. **YES ON THE MOTION:** Steve Weisman, Jeff Tillery, Roy O'Reggio, Rodney Blount, Artie Hayduck, Kalpesh Patel, and Chairman Cahill. **NO ON THE MOTION:** None.

7. **22-ZB-92V** **Jonathan Stuhl**
 Bulk Variance
 Block 9803, Lot 18; Zone: R-20
 10 Dunbar Avenue
 Applicant would like to install a shed, gazebo and 4 foot code fence.

VARIANCES REQUIRED:

- 21-501** Required – 60 foot front yard setback for an accessory structure
 Proposed – 19.6 foot front yard setback for an accessory structure (gazebo/pavilion)

 Required – 8 foot side yard setback for an accessory structure
 Proposed – 7.7 foot side yard setback for an accessory structure (gazebo/pavilion)
- 21-601** Required – no open space, municipal drainage way, right-of-way or easement contiguous to any building shall be encroached upon or reduced in any manner
 Proposed – a fence located over a sanitary sewer easement (existing) *
- 21-618** Required – a swimming pool shall not be constructed any closer than 40 feet to the street line
 Proposed – a swimming pool located 10 feet to the property line (Morris Lane) (existing) *
- 21-619.1** Required – in any residential district, no fence located within the front yard setback line shall exceed 4 feet in height and/or consist of no more than 50 percent solid material
 Proposed – a 6 foot, vinyl fence located within the front yard setback line (Morris Lane) (existing) *
- 21-621** Required – no shed shall be located within the front yard
 Proposed – a shed located within a front yard (Morris Lane)

*Variances previously granted under Application #20-ZB-85V and Application #22-ZB-01V.

Action to be taken prior to March 1, 2023

Jonathan & Nicole Stuhl, the applicants, are sworn in to testify on their own behalf. Mr. Stuhl states that they had already applied for a variance for a pool; there is an existing unimproved R.O.W. in the rear of their property. That unimproved R.O.W. creates a front yard setback in the rear of the property. They have applied for a variance to install a shed, fence and gazebo in that area as well. Mr. Kinneally asks if they had an opportunity to look at Mr. Hinterstein's

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JANUARY 12, 2023.

November 29th staff memorandum; they have and will comply. In reference to the temporary construction easement, they will comply. The Township is surveying for the project, but there is not a start date. Chairman Cahill asks if there are any further questions from the Board; none. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Steve Weisman, Jeff Tillery, Roy O'Reggio, Rodney Blount, Artie Hayducka, Kalpesh Patel, and Chairman Cahill. **NO ON THE MOTION:** None.

8. **22-ZB-84V** **Frank Barber**
 Bulk Variance
 Block 404, Lot 57.01; Zone; R-7.5
 3 Jennie Place
 Applicant would like a 6' privacy fence in the front yard;
 property has three (3) frontages.

VARIANCES REQUIRED:

- 21-501** Required – 75 foot lot width
 Proposed – 40 foot lot width (existing)
- Required – 25 foot front yard setback
 Proposed – 10 foot front yard setback (Jennie Place) (existing)
 Proposed – 5 foot front yard setback (porch) (Jennie Place) (existing)
- Required – 8 foot side yard setback
 Proposed – 6 foot side yard setback (existing)
- 21-606** Required – no structures located within the sight triangle
 Proposed – a shed and fence partially located within the sight triangle
- 21-613** Required – 75 foot lot frontage
 Proposed – 40 foot lot frontage (existing)
- 21-621** Required – no shed shall be located within a front yard
 Proposed – a shed located within a front yard (existing)
- 21-619.1** Required – in any residential district, no fence located within the front yard setback line shall exceed 4 feet in height and/or consist of no more than 50 percent solid material
 Proposed – a 6 foot, solid fence located within the front yard setback line (Jennie Place)

Action to be taken prior to February 10, 2023

Frank Barber, the applicant, is sworn in to testify on his own behalf. Mr. Barber states that he replaced a fence that was already there. Mr. Hinterstein states that this lot has three (3) frontages and does have a hardship. He has no issues where Mr. Barber would like the fence. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Steve Weisman, Jeff Tillery, Roy O'Reggio, Rodney Blount, Artie Hayducka, Kalpesh Patel, and Chairman Cahill. **NO ON THE MOTION:** None.

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JANUARY 12, 2023.

9. **22-ZB-78V** **Kenneth Mazariegos**
Bulk Variance
Block 1902, Lot 1.01; Zone: BP-II
132 Stelton Road
Applicant would like to retain existing exterior grill area and gazebo. Existing retaining wall is partially located within the right-of-way.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 10,000 square feet
Proposed – lot area 7,499 square feet (existing)
- Required – 100 foot lot width
Proposed – 75 foot lot width (existing)
- Required – 25 foot front yard setback
Proposed – 24.46 foot front yard setback (existing)
Proposed – 21 foot front yard setback (canopy) (existing)
- Required – 8 foot side yard setback
Proposed – 7.8 foot side yard setback (existing)
- Required – 60 foot front yard setback for an accessory structure
Proposed – 40 foot front yard setback for an accessory structure (cooking cabinet/grill) (Woodrow Avenue) (existing)
Proposed – 52 foot front yard setback for an accessory structure (gazebo) (Stelton Road) (existing)
Proposed – 52.5 foot front yard setback for an accessory structure (gazebo) (Woodrow Avenue) (existing)
- 21-601** Required – no encroachment in the right-of-way
Proposed – retaining wall partially located within the right-of-way (existing)
- 21-613** Required – 100 foot lot frontage
Proposed – 75 foot lot frontage (existing)

Action to be taken prior to February 25, 2023
Attorney: Richard Kaplan

Richard Kaplan, Attorney, is here to represent the applicant. Mr. Kaplan states that this property is a corner lot and undersized so there is a hardship based on that. The applicant has built an outdoor grill area and gazebo; the grill is 40' from Woodrow. The property is on Stelton Road and Woodrow Avenue so there are two front yards. There is a fence surrounding the property so is it out of sight from the neighbors.

Mr. Kaplan states that there is a retaining wall that is partially in the ROW; if the Town needs to gain access, it will be up to the applicant to removed and replace. In reference to Mr. Hinterstein's report; he will comply with all. A 10' temporary construction easement is required. Chairman Cahill asks if anyone on the Board has questions or comment; none. Public portion open/closed.

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JANUARY 12, 2023.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Steve Weisman, Jeff Tillery, Roy O'Reggio, Rodney Blount, Artie Hayducka, Kalpesh Patel, and Chairman Cahill. **NO ON THE MOTION:** None.

10. **22-ZB-95V** **James Murray**
 Bulk Variance
 Block 8705, Lot 9.07; Zone: R-10
 11 Lioni Court
 Applicant would like to install a shed within the easemen

VARIANCES REQUIRED:

- 21-501** Required – 100 foot lot width
 Proposed – 77.44 foot lot width (existing)
- Required – 25 foot rear yard setback
 Proposed – 12 foot rear yard setback (existing)
- 21-602** Required – no open space, municipal drainage way, right-of-way or easement
 contiguous to any building shall be encroached upon or reduced in any
 manner
- Proposed – a shed located over an easement
 Proposed – a fence located over an easement (existing)
- 21-613** Required – 100 foot lot frontage
 Proposed – 77.44 foot lot frontage (existing)
- 21-621** Required – no shed shall be higher than 9 feet above ground level
 Proposed – a shed 10.17 feet in height

Action to be taken prior to March 12, 2023

James Murray, the applicant, is sworn in to testify on his own behalf. Mr. Murray states that he would like to install an 8 x 10 wooden shed in his backyard and retain the fence that has been there 35 years. Mr. Kinneally states that if the Township ever needs access to that easement, it would be his responsibility to remove or replace; Mr. Murray agrees. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Hayducka **YES ON THE MOTION:** Steve Weisman, Jeff Tillery, Roy O'Reggio, Rodney Blount, Artie Hayducka, Kalpesh Patel, and Chairman Cahill. **NO ON THE MOTION:** None.

11. **22-ZB-87V** **Thomas Varughese**
 Bulk Variance
 Block 8301, Lot 15.02; Zone: R-10
 124 Haines Avenue
 Applicant would like to replace existing fence in an easement;
 retain garden fence and paver patio encroaching in easement.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 10,000 square feet
 Proposed – lot area 9,863.36 square feet (existing)

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JANUARY 12, 2023.

Required – 25 foot rear yard setback
Proposed – 19.9 foot rear yard setback (deck) (existing)

- 21-619.1** Required – no open space, municipal drainage way, right-of-way or easement shall be encroached upon or reduced in any manner
Proposed – a fence located over a sanitary sewer easement
Proposed – a portion of the deck, pavers and garden located over a sanitary sewer easement (existing)

Action to be taken prior to February 17, 2023

Thomas Varughese, the applicant, is sworn in to testify on his own behalf. Mr. Varughese states that he would like to replace his fence within the easement and would also like to make his garden fence higher to 6 feet from 3 feet. He will comply with Mr. Hinterstein’s report. If the Township needs to gain access to the easement it would be up to the applicant to remove and replace; he agrees. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Steve Weisman, Jeff Tillery, Roy O’Reggio, Rodney Blount, Artie Hayducka, Kalpesh Patel, and Chairman Cahill. **NO ON THE MOTION:** None.

12. **22-ZB-98V** **Prakash Sen**
Bulk Variance
Block 2607, Lot 6.01; Zone: R-10
194 Brewster Avenue
Applicant would like to install a fence within an easement.

VARIANCES REQUIRED:

- 21-603** Required – no open space, municipal drainage way, right-of-way or easement contiguous to any building shall be encroached upon or reduced in any manner
Proposed – a fence located over an easement (existing)

Action to be taken prior to March 15, 2023

Prakash Sen, the applicant, is sworn in to testify on his own behalf. Mr. Sen states that he would like retain the fence within an easement. Mr. Kinneally states that if the Township would ever need access, it is up to the applicant to remove and replace. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Tillery. **YES ON THE MOTION:** Steve Weisman, Jeff Tillery, Roy O’Reggio, Rodney Blount, Artie Hayducka, Kalpesh Patel, and Chairman Cahill. **NO ON THE MOTION:** None.

13. **22-ZB-96V** **Garry Soumar**
Bulk Variance
Block 3806, Lot 35.01; Zone: R-10
4 Raven Avenue

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JANUARY 12, 2023.

Applicant would like to rebuild shed and retain fence; corner lot.

VARIANCES REQUIRED:

- 21-501** Required – 60 foot front yard setback for an accessory structure
Proposed – 8 foot front yard setback for an accessory structure (Hancock Road – unimproved)
- 21-619.1** Required – no fence located within the front yard setback line shall be over 4 feet in height, except a fence located behind the front yard setback line shall be permitted up to 6 feet in height

Proposed – a fence located within the front yard setback line that is higher than 4 feet in height and a fence located behind the front yard setback line that exceeds 6 feet in height (existing)

Action to be taken prior to March 17, 2023

Garry Soumar, the applicant, is sworn in to testify on his own behalf. He would like to rebuild the shed on his property and retain fence; corner lot. Mr. Hinterstein states that there is front yard on Hancock which is a paper street. The Town needs a 5' permanent roadway easement so if the Town widens the street they have it; Mr. Soumar agrees. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Steve Weisman, Jeff Tillery, Roy O'Reggio, Rodney Blount, Artie Hayducka, Kalpesh Patel, and Chairman Cahill. **NO ON THE MOTION:** None.

14. **22-ZB-100V** **Sameh Abdelrahman**
Bulk Variance
Block 2607, Lot 8; Zone: R-10
183 Dunellen Avenue
Applicant would like to retain fence in an easement and shed encroaching within side yard setback.

VARIANCES REQUIRED:

- 21-604** Required – no open space, municipal drainage way, right-of-way or easement contiguous to any building shall be encroached upon or reduced in any manner
Proposed – a fence located over an easement (existing)
- 21-621** Required – no shed shall be constructed within three feet from any property line
Proposed – a shed located 1.5 feet from the side yard property line (existing)

Action to be taken prior to March 27, 2023

Sameh Abdelrahman, the applicant, is sworn in to testify on his own behalf. Mr. Abdelrahman states that he would like to install a new fence in the easement. Mr. Kinneally states that it would be up to the applicant to remove and replace the fence if the Township needs access; he agrees. Mr. Hinterstein states that the shed has been removed. There were

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JANUARY 12, 2023.

two sheds, one is removed and the other remains (on the left of the plan); it is 3 feet off of the property line. Public portion open/closed.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Patel. **YES ON THE MOTION:** Steve Weisman, Jeff Tillery, Roy O'Reggio, Rodney Blount, Artie Hayducka, Kalpesh Patel, and Chairman Cahill. **NO ON THE MOTION:** None.

16. **22-ZB-97V** **Hugo Toranzo**
 Bulk Variance
 Block 2607, Lot 6.02; Zone: R-10
 198 Brewster Avenue
 Applicant would like to retain fence within an easement and other existing conditions for existing deck and shed.

VARIANCES REQUIRED:

- 21-501** Required – minimum lot area 10,000 square feet
 Proposed – lot area 9,999.70 square feet (existing)
- Required – 100 foot lot depth
 Proposed – 95 foot lot depth (existing)
- Required – 25 foot rear yard setback
 Proposed – 14.5 foot rear yard setback (deck) (existing)
- 21-605** Required – no open space, municipal drainage way, right-of-way or easement contiguous to any building shall be encroached upon or reduced in any manner
 Proposed – a fence, pool and shed located over an easement (existing)
- 21-618** Required – a pool shall not be installed within 10 feet of any side or rear yard property line
 Proposed – a pool located 4.75 feet from the side yard property line and 6 feet from the rear yard property line (existing)
- 21-621** Required – no shed shall be constructed within 3 feet from any property line
 Proposed – a shed located 1 foot from the side yard property line and .83 feet from the rear yard property line (existing)

Action to be taken prior to March 28, 2023

Hugo Toranzo, the applicant, is sworn in to testify on his own behalf. Mr. Toranzo states that he has a fence in the easement. Mr. Hinterstein states that the pool and deck are also in the easement. If the pool has to be replaced, it would have to be moved to a conforming location; Mr. Toranzo agrees and states once this pool is gone, he does not want another one. Mr. Kinneally states that if the Township ever needs access to the easement, it's up to the applicant to remove and replace; he agrees. Mr. Hinterstein would like a deed restriction in reference to the pool; agrees. The applicant will be required to obtain permits for the pool, shed and fence. Public portion open/closed.

MINUTES OF THE REGULAR ZONING BOARD OF ADJUSTMENT MEETING OF PISCATAWAY TOWNSHIP HELD ON THURSDAY, JANUARY 12, 2023.

MOTION was made by Chairman Cahill to approve the application; seconded by Mr. Weisman. **YES ON THE MOTION:** Steve Weisman, Jeff Tillery, Roy O'Reggio, Rodney Blount, Artie Hayducka, Kalpesh Patel, and Chairman Cahill. **NO ON THE MOTION:** None.

17. ADOPTION OF RESOLUTIONS FROM THE REGULAR MEETING OF DEC. 8, 2022:

- (a) **22-ZB-86V, Kevin Wilson; Approved.**
- (b) **22-ZB-90V, Michael Kearns; Approved.**
- (c) **22-ZB-85, Macedonia Freewill Baptist Church; Approved.**
- (d) **22-ZB-93V, Infinity Biologix, LLC; Approved.**

All in Favor: Mr. Weisman, Mr. Tillery, Mr. Patel, Mr. Blount, Mr. Hayducka, Mr. Ali, Mr. Mitterando and Chairman Cahill.

18. ADOPTION OF MINUTES FROM THE REGULAR MEETING OF DEC. 8, 2022.

MOTION was made by Chairman Cahill to adopt the minutes; second by Mr. Weisman. **All in Favor:** Mr. Weisman, Mr. Tillery, Mr. Blount, Mr. Hayducka, Waqar Ali and Chairman Cahill.

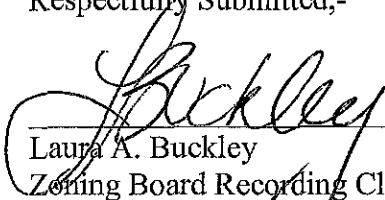
19. ADJOURNMENT

MOTION was made by Chairman Cahill to Adjourn the meeting; second by Mr. Weisman. **ALL IN FAVOR: Aye**

NEXT SCHEDULED MEETING IS JANUARY 26, 2023 AT 7:30 P.M.

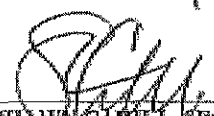
The meeting was adjourned at 8:19 P.M.

Respectfully Submitted,-



Laura A. Buckley
Zoning Board Recording Clerk for Shawn Cahill, Secretary

I certify that the foregoing is a true and correct copy of the Minutes from the Regular Meeting of January 12, 2023 same having been fully adopted by the Zoning Board of Adjustment of Piscataway on January 26, 2023.



SHAWN CAHILL, SECRETARY
PISCATAWAY ZONING BOARD OF ADJUSTMENT